

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATIONS No 1219/84, 1220/84,
1221/84, 1222/84, 1223/84, 1224/84, 1225/84,
1226/84, 1228/84 & 1229/84

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

DIRECTOR OF TRANSPORT

Versus

WAGHELA TRAVEL SERVICE

Appearance:

MR MR RAVAL, for Petitioners in all petitions.
MR JASUBHAI PATEL for Respondents in SCA No.1229/84.
None present for Respondents in other petitions.

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 08/01/97

ORAL JUDGMENT

Heard learned counsel for the parties and perused the Special Civil Applications. All these Special Civil Applications have arisen from common order of the State Transport Appellate Tribunal, Gujarat State, Ahmedabad, and proceed on the same facts and grounds, and as such, the same are being disposed of by this common order.

2. The respondents in these Special Civil Applications were granted all India tourist permit under Section 63(7) of the Motor Vehicles Act, 1939 (hereinafter referred to as the Act, 1939) in respect of their tourist vehicle. The respondents have contravened the terms of the all India tourist permit by plying vehicles as stage carriage and the petitioner has taken action under Section 60 of the Act, 1939 for suspension/cancellation of the permits. It is not in dispute that the petitioner has, for the aforesaid contravention of the terms of permit by respondents, decided to suspend the permits varying from 10 to 30 days in different cases. The respondents dissatisfied with the aforesaid order of the petitioner, preferred an appeal before the State Transport Appellate Tribunal, Gujarat State at Ahmedabad, and under the impugned order, the Tribunal has allowed those appeals and the order suspending the permits of the respondents have been set aside.

3. Shri M.R. Raval, learned counsel for the petitioners contended that the judgment of the State Transport Appellate Tribunal is absolutely erroneous on the face of it as it is contrary to the decision of the Hon'ble Supreme Court. I do not consider it necessary to go on the validity, propriety and correctness of the decision of the Tribunal for the reason that the permit of the respondents were suspended only for 10 to 30 days in the cases and for all these years that order was not given effect to as in the appeal preferred by those respondents, as Shri Raval stated, the State Transport Appellate Tribunal has granted interim relief and ultimately that order, as stated earlier, has been quashed and set aside by the Tribunal. In above circumstances, no purpose will be served in case now the order of the petitioner is restored. There is a possibility that some of the permits of the respondents would have come to an end, which fact has also not been disputed by the learned counsel for the petitioner. Moreover, this Court has not considered it to be a fit case to stay the operation of the order of the State Transport Appellate Tribunal.

4. In the result, all these Special Civil Applications are dismissed. However, it is made clear that this judgment may not be considered as confirming the decision given by the State Transport Appellate Tribunal in these matters on merits. It shall be open to the petitioners to raise all points which they wanted to raise in these petitions in the appropriate case before

the State Transport Appellate Tribunal, State of Gujarat, Ahmedabad, and the decision of the Tribunal impugned in these Special Civil Applications will not be considered to be a final decision and the Tribunal has to consider the matter afresh. Rule discharged. No order as to costs.

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(sunil)